

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1880.—Ordered to be printed.

Mr. PRYOR, from the Committee on Claims, submitted the following

REPORT:

*The Committee on Claims, to whom was referred the memorial of Samuel D. Lecompte, claiming additional compensation for services as attorney for the United States in the district court of the United States for the district of Kansas, having considered the same, make the following report:*

The memorial upon its face shows, and it is presumable the memorialist has there set forth, all the facts which would entitle him to relief, if to any he is entitled; that he, as an attorney at law, entered into the following *special contract* with the government, by and with its proper officers, to wit: That there was pending in the said district court of the United States for the district of Kansas important civil and criminal suits between the United States and various defendants, to the number of from twenty-four to twenty-six, important in their character, involving, under the revenue laws of the United States, the forfeitures incurred by the violation of the laws applicable to the distillation of spirits and the removal of seized property, &c. That, in the years 1867 and 1868, he, the memorialist, was employed as attorney to assist the district attorney in the prosecution of said suits; and as a compensation for his services as such assisting counsel, he, the memorialist, was to receive, and he, the memorialist, contracted and agreed to receive, as compensation therefor, such a sum as might be certified by the district judge of the said district court aforesaid, *and as might and should be approved by the Secretary of the Treasury*. That in pursuance of this contract he rendered valuable services, involving much labor, time, and expense, for and during three terms of said court. That the judge of said court certified that his services were reasonably worth the sum of \$2,500; but when presented for *approval* and payment at the Treasury, the *Secretary of the Treasury*, whose approval among others was required as a term of the contract, *refused to allow and approve* the said sum of \$2,500 so claimed and certified as aforesaid, and only allowed and *approved* the sum of \$500 for the services rendered as assistant counsel aforesaid. That the *memorialist received* said sum of \$500 so awarded him for his services aforesaid, *but under protest*, claiming that more should be allowed him. That he, the memorialist, has since, from time to time, sought to have said matter reopened, and a proper and just allowance made to him, but without avail. The memorialist admits in his petition that *he believes* that he is remediless in the Court of Claims, and therefore seeks redress by and through Congress. The memorialist does not show specifically by his petition when the Secretary of the Treasury refused to *approve his claim* beyond

the \$500, or *when* he *received* the same, as admitted in his memorial; but, under the rule that his statements must be taken most strongly against him as the claimant and pleader, it must have been upon the rendition of the services, or a reasonable time thereafter, which would place it some time in 1868 or 1869.

So he left his case resting simply on a *protest*, admitting he had no remedy of any character or description in courts, and *without any application to Congress until the 15th day of December, 1879*, when he made this his application, *ten years* or more from the time his claim was *passed* upon by the *Treasury Department*, *payment* and *receipt* by him of the sum awarded to him under his special contract of employment. From these admitted and pleaded facts by the memorialist, he has not, in the estimation of this committee, made out such a case as entitles him to *any relief* from Congress, however liberal or loose the exercise of a discretion might be indulged in. This would be enough of itself to *disallow* this claim; but, by an inspection of the *papers* accompanying this memorial, it will be seen that the memorialist has *received* \$1,800, instead of \$500 as alleged in his memorial. To this end, the committee refer to a copy of an account, which is here referred to, containing a list of cases in which it is claimed the memorialist assisted as attorney—proven by his own oath and certified to by the district attorney and judge, and to the full amount—to wit, \$500 on one account and \$1,300 on another, making \$1,800; and both the \$500 and the \$1,300 *receipted* for by the said memorialist to the Treasury Department of the government. The committee, therefore, report adversely and that this claim should be *disallowed*, and recommend that the said memorial be indefinitely postponed, and that this committee be discharged from any other and further consideration of the same.

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